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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,616	12/28/2000	Michel Bruno	CH919990030US1	9446
7590	09/20/2004		EXAMINER	
SCULL, SCOTT, MURPHY & PRESSER 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530-0299			FUNK, STEPHEN R	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(8)

Office Action Summary	Application No.	Applicant(s)	
	09/752,616	BRUNO ET AL.	
	Examiner	Art Unit	
	Stephen R Funk	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-38 and 48-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 31-34,37,38,48,49,57,63,65 and 69-73 is/are allowed.
- 6) Claim(s) 35,36,51-56,64,67,68 and 76 is/are rejected.
- 7) Claim(s) 50,58-62,66,74 and 75 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the number and nature of the amendments renders it difficult to understand and arrange for printing. Applicant should carefully review the specification for any errors.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

The amendment filed July 27, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The reference to the article published in October 2000 in the paragraph inserted on page 15 line 10 is inherently new matter since it was published after the filing of the priority document. Applicant's prior remarks that force transducers, per se, are known in the art has been deemed sufficient to overcome the previous 35 U.S.C. 112, first paragraph, rejections. (Note that no enablement rejection under 35 U.S.C. 112, first paragraph, was made in the office action of April 19, 2004.)

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim 58 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 31. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP

Art Unit: 2854

§ 706.03(k). Combined independent claim 57 and dependent claim 58 exactly duplicates claim 31. Applicant should carefully review the claims to avoid further redundancies. Claims 59 - 62 are objected to due to their dependency from objected to claim 58.

Claims 35 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the specification for the patterned layer (2) having a thickness less than the structure depths (3) or the soft layer (5) having a thickness less than the thickness of the patterned layer (2) as is now recited in claim 35. It is not apparent how the patterned layer can have a thickness less than the structures within the layer. The paragraph bridging pages 6 and 7, page 13 line 1+, and Figure 1B disclose that the structure depths (3) are less than the thickness of the patterned layer (2) and the patterned layer (2) is less than the thickness of the soft layer (5).

Claims 35, 36, 50, 51, 66, 67, and 74 - 76 are objected to because of the following informalities:

In claim 35 line 2 “said structure” lacks any clear antecedent basis as both “a patterned structure” and “contoured structures” are recited in claim 32.

In claim 50 line 2 it is not clear if the “communicating holes and channels” is the same as, or different from, the “at least one passage channel” recited in claim 48 line 11. In line 3 “said recess zones” lacks proper antecedent basis.

In claim 51 line 2 "said unencumbered areas" lacks proper antecedent basis. Note that neither parent claim 48 or 52 provides antecedent basis for this recitation.

In claim 66 line 4 "n" should be --in--.

Claim 67 is dependent upon following claim 68. Presumably, claim 67 should depend from claim 66. Note claims 49 and 50 for comparison.

Claim 74 is a double recitation of the limitations recited in parent claim 57 lines 4 - 6.

In claim 76 "at least one passage channel" appears to be a double recitation of "at least two passage channels" in claim 67.

Appropriate correction is required.

Claims 51 - 56, 64, 67, 68, and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 52 last two lines the recitation of the surface of the substrate comprising self-aligning means renders the scope of the claim indefinite as the claim is drawn only to the stamp device. It cannot be accurately determined if applicant is claiming only the stamp device or the stamp device in combination with the substrate that the stamp is printing upon. Note also claims 56, 69, and 73.

In claim 64 line 3 the phrase "like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim 68 is dependent upon itself.

Claim 76 appears to recited a method of using the stamp device by reciting that the closed gaseous network is pressurized. It is noted that claim 76 does not appear to recite any additional structure to parent claim 67.

Claims 31 - 34, 37, 38, 48, 49, 57, 63, 65, and 69 - 73 are allowed.

Claims 35, 36, 51/52, 52 - 56, 64, 67, 68, and 76 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st and/or 2nd paragraphs.

Applicant's arguments filed July 27, 2004 have been fully considered but they are not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (571) 272-2164.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (571) 272-2168.

The fax phone number for ALL official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (571) 273-2164.

SRF
September 16, 2004


STEPHEN R. FUNK
PRIMARY EXAMINER